

## United States Senate

WASHINGTON, DC 20510

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Federal Communications Commission  
Office of the Secretary

April 24, 2008

HB  
Broadcast Localism  
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KJM  
-752

The Honorable Kevin J. Martin  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Dear Mr. Chairman:

We write regarding the Commission's Report on Broadcast Localism and Notice of Proposed Rulemaking. While we appreciate some of the Commission's conclusions, we have substantial concerns regarding certain proposals in the Report that look to bygone regulations for instruction on today's evolving and highly competitive media industry.

We are most concerned with the imposition of permanent advisory boards and the creation of redundant and burdensome requirements for license renewal. Nationwide, many broadcasters actively engage their audiences to ensure that they meet their public interest requirements. It is wholly unwarranted to force all licensees to adhere to a blanket regulatory regime that does not account for the diverse needs and challenges of communities across the nation, and the measures that many broadcasters are already taking in this regard. Such an approach is at direct odds with the policy goal of ensuring our country's broadcasters serve the communities within which they operate.

Implicit in some of the Report's proposals are clear Constitutional concerns regarding the specter of government regulated content. Local licensees are compelled by financial and fiduciary imperatives to provide responsive, community oriented programming. If a particular licensee is not meeting the local interests of a given community, listeners and viewers may turn to another source. Additionally, unlike other media outlets that broadcasters compete with, licensees have a number of public interest requirements that they are already required to meet. Moreover, communities have a means of recourse through existing regulations to address complaints if their local broadcasters fail to meet statutory public interest obligations.

Additionally, the Main Studio Rule and the requirement that broadcasters maintain a physical presence at every facility during hours of operation belie the fact that advances in technology make these burdensome regulations needless in today's marketplace. These proposals will strap revenue and tie up limited resources, resulting in a reduced ability to provide quality, community oriented programming. Indeed, reinstating the Main Studio Rule would require broadcasters to make significant and redundant investments in facilities and personnel simply to continue serving the same listening audience. This would undercut the very efficiencies that allow many broadcasters to operate in today's market.

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In regards to emergency information, broadcasters throughout the nation have consistently played a leading role in issuing timely warnings and disseminating public assistance information. To be sure, it is due to advances in technology that it is not always necessary to have a physical presence in the studio during all hours of operation. All broadcasters should be able to take advantage of advances in technology that improve their ability to better serve their audiences.

We recognize the Commission's unique obligation to the public, and its commitment to ensure appropriate use of the nation's airwaves. However, we urge the Commission to heed the concerns of responsible licensees that would be unjustifiably penalized by regulations intended to address the alleged shortcomings of other, unaffiliated stations.

Sincerely,



Pat Roberts  
United States Senator



Sam Brownback  
United States Senator




Pete Domenici  
United States Senator



David Vitter  
United States Senator



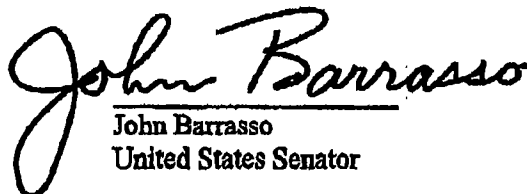
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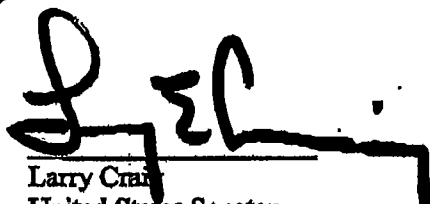
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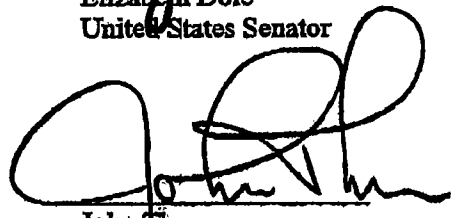
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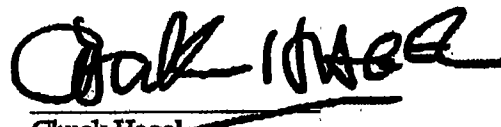
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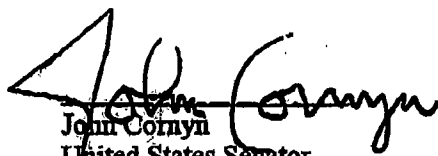
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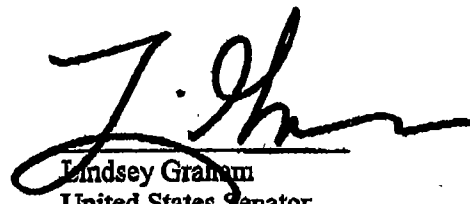
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